

REMARKS

The above-identified application is United States application serial number 10/714,276 filed on November 14, 2003. As a result of this amendment, claims 1-6, 8-12 and 29-39 are pending in the application. Claims 7 and 13-28 are canceled.

Rejection of Claims Under 35 USC 101 and 103

In the Decision on Appeal dated November 17, 2009, claims 1-12 and 29-39 were rejected under 35 U.S.C. 101 as being directed to patent ineligible subject matter. Claims 1 and 9 stood rejected under 35 U.S.C. 103 as being unpatentable in view of Darden over Makino or Howe. In response, Applicant has amended claims 1-6, 8-12 and 29-39 to recite "by a computer", as agreed with Examiner Dinh during a telephone interview on October 4, 2010. Additionally, claim 1 has been amended to include the features of claim 7. Claim 7 has been cancelled. Removal of the rejection of claims 1-6, 8-12 and 29-39 under 35 U.S.C. 101 and 103 is respectfully requested.

CONCLUSION

Applicant believes the application, including claims 1-6, 8-12 and 29-39, are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 350-7301.

Respectfully submitted,

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